

REMARKS

Claims 1-23 are pending in this Application. Claims 1-5 and 7-19 stand rejected under 35 U.S.C. § 112, ¶ 2, and claims 6, 14-16 and 18-22 stand rejected under 35 U.S.C. § 102(b). Claim 23 was objected to as depending on a rejected claim, but was indicated as allowable if rewritten to include the limitations of the base claim. Claim 17 was also indicated as allowable over the prior art if rewritten to include the limitations of the base claim and to avoid the objections under 35 U.S.C. § 112, ¶ 2.

Claims 1, 3, 6, 7, 10, 14 and 23 have been amended, claims 17, 20 and 21 have been cancelled, and claims 24 and 25 have been added to more clearly define Applicants' invention. Applicants respectfully request reconsideration of claims 1-16, 18, 19 and 22-25 in light of the following remarks.

Rejection of Claims 1-5 and 7-19 Under 35 U.S.C. § 112, ¶ 2

Claims 1-5 and 7-19 were rejected under 35 U.S.C. § 112, ¶ 2 for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention.

The Office Action objected to the use of the term "availability information" and "use of a voice mail message" with respect to claim 1. Claim 1 has now been amended to recite that the system is to provide presence information. Claim 1 has also been amended to delete the reference to using a voice mail message. Accordingly, claim 1 is now believed to satisfy the objections raised in the Office Action.

The Office Action further objected to claims 7-8 and claim 14 for "similar reasons" with respect to the relationship and/or non-relationship of the presence and availability information. Claim 7 recites a method of providing "availability" information

which is accomplished by the method comprising "receiving availability information" and "including the availability information in [a] voice mail message." Dependent claim 8 adds the step of "determining the presence of the calling party." The terms availability and presence are not used interchangeably, and the claims set forth steps delimiting how the use is practiced. Accordingly, the Office Action's rejection of claims 7 and 8 under 35 U.S.C. § 112, ¶ 2 is respectfully traversed.

Claim 14 recites a method of providing "presence" information which is accomplished by the method comprising "receiving presence information" and "associating the presence information with the calling party." Again, the terms availability and presence are not used interchangeably in claim 14, and the claim sets forth steps delimiting how the use is practiced. Accordingly, the Office Action's rejection of claim 14 under 35 U.S.C. § 112, ¶ 2 is also respectfully traversed.

Accordingly, it is respectfully submitted that claims 1-5 and 7-19 (as amended) are believed to meet the requirements of 35 U.S.C. § 112, ¶ 2.

Rejection of Claims 6, 14-16, 18-19 and 22 under 35 U.S.C. § 103

The Office Action rejected claims 6, 14-16, 18-19 and 22 under 35 U.S.C. § 102(b) as being anticipated under U.S. Patent No. 5,625,682 to Gray et al. ("Gray").

Gray describes receiving a voice mail message and a callback phone number from a calling party (Gray, col. 3, ll. 47-64) and routing the voice mail message and callback phone number to an agent when the agent becomes free (Gray, col. 6, ll. 1-2). However, Gray does not teach or disclose providing presence information associated with a voice mail message which indicates that said calling party is likely to be present as required by

claims 6, 14-16, and 18-19. Likewise, Gray does not teach or disclose providing availability information which indicates whether the calling party is likely to be present at an available telephone as required by amended claim 22. Accordingly, amended claims 6, 14-16, 18-19 and 22 are believed patentable over Gray.

Claims 1-5 and 7-13 are believed patentable, inter alia, by virtue of the reasons stated above with respect to claims 6, 14-16, 18-19 and 22.

Other Amendments

Claim 23 has been drafted in independent form incorporating all of the limitations of claim 22 and is believed patentable for the reasons set forth in the Office Action, paragraph 7. New independent claim 24 is also believed patentable for the reasons set forth with respect to claim 23.

New independent claim 24 has been added to incorporate the limitations of original claim 17 and all claims on which original claim 17 was based and is believed patentable for the reasons set forth in paragraph 7 of the Office Action and is believed to be in condition for allowance.

SUMMARY

Applicants have submitted arguments to overcome the Office Action's rejections. In view of the forgoing supporting remarks, Applicants respectfully request allowance of claims 1-16, 18, 19 and 22-25.

If the Examiner wishes to direct any questions concerning this application to the undersigned Applicants' representative, please call the number indicated below.

Dated: March 31, 2003

Respectfully submitted,



Andrew Strobert
Reg. No. 35,375

Attorney for Applicants
(212) 735-3000
Skadden, Arps, Slate, Meagher & Flom LLP
Four Times Square
New York, NY 10036